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Tuesday, 5 November 2002, 10 a.m.

New York

President:	Mr. Zhang Yishan	(China)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Guinea	Mr. Traoré
	Ireland	Mr. Corr
	Mauritius	Mr. Jingree
	Mexico	Mrs. Arce de Jeannet
	Norway	Mr. Strømmen
	Russian Federation	Mr. Konuzin
	Singapore	Mr. Mahbubani
	Syrian Arab Republic	Mr. Atieh
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Williamson

Agenda

The situation concerning the Democratic Republic of the Congo.

Letter dated 15 October 2002 from the Secretary-General addressed to the President of the Security Council (S/2002/1146).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

02-67562 (E)

The meeting was called to order at 10.15 a.m.

Expression of thanks to the retiring President

The President (*spoke in Chinese*): As this is the first meeting of the Security Council for the month of November, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Martin Belinga-Eboutou, Permanent Representative of Cameroon to the United Nations, for his service as President of the Security Council for the month of October 2002. I am sure I speak for all members of the Council in expressing deep appreciation to Ambassador Belinga-Eboutou for the great diplomatic skill with which he conducted at the Council's business last month.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Letter dated 15 October 2002 from the Secretary-General addressed to the President of the Security Council (S/2002/1146)

The President (*spoke in Chinese*): I should like to inform the Council that I have received letters from the representatives of Belgium, Denmark, the Democratic Republic of the Congo, Oman, Rwanda, South Africa, Uganda and Zimbabwe, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

On behalf of the Council, I welcome the Third Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Uganda, His Excellency The Honourable James W. Wapakhabulo.

At the invitation of the President, Mr. Wapakhabulo (Uganda) took a seat at the Council table.

At the invitation of the President, Mr. Ileka (Democratic Republic of the Congo) took a seat at the Council table; Mr. De Ruyt (Belgium), Ms. Løj (Denmark), Mr. Al-Hinai (Oman), Mr. Gasana (Rwanda), Mr. Kumalo (South Africa) and Mr. Muchetwa (Zimbabwe) took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Chinese*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Mahmoud Kassem, Chairman of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo.

It is so decided.

I invite Mr. Kassem to take a seat at the Council table.

The Security Council will now continue its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to call the attention of members to the following documents: S/2002/1187, letter dated 23 October 2002 from Rwanda, transmitting a statement and the reply by its Government on the final report of the Panel of Experts; S/2002/1199, letter dated 25 October 2002 from South Africa; S/2002/1202, letter dated 25 October from Uganda, transmitting a statement by its Government on the final report of the Panel of Experts; S/2002/1207, letter dated 28 October 2002 from Rwanda; and photocopies of a letter dated 4 November 2002 from Rwanda, which will be issued as a document of the Security Council under the symbol S/2002/1221.

I give the floor to the Honourable James Wapakhabulo, Third Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Uganda.

Mr. Wapakhabulo (Uganda): It is a great pleasure for me to address members of the Council on the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2002/1146). I am particularly happy to see you, Sir, presiding over the proceedings of the Council. Africa

will always remember the commitment and support extended by the People's Republic of China to our people in the struggle for independence, justice, peace and sustainable development. I can assure you of my delegation's continued cooperation in the search for peace and stability in the Great Lakes region. Allow me also to congratulate your predecessor, Ambassador Belinga-Eboutou of Cameroon, for the excellent manner in which he guided the work of the Council in October.

I would also like to thank the Secretary-General for his commitment to conflict resolution and peace-building in Africa and for his dedication to a broad, sustained and global fight against terrorism. His Special Representative for the Democratic Republic of the Congo, Ambassador Namanga Ngongi, and his Special Envoy, His Excellency Mr. Moustapha Niasse, have traversed the Great Lakes region and beyond to ensure progress in the implementation of the Lusaka Ceasefire Agreement and of the related Pretoria and Luanda Agreements, and the finalization of the inter-Congolese dialogue on the establishment of an all-inclusive transitional government in the Democratic Republic of the Congo.

Thanks to the support of the Security Council and the Governments of South Africa, Kenya, Gabon and Tanzania, prospects for peace in the Great Lakes region seem greater than ever before. We are most obliged to all members of the Council for the interest and commitment they have collectively shown on issues relating to the maintenance of peace and stability in Africa. Indeed, the annual visits by Council members to the Great Lakes region since 2001 are a clear demonstration of the Council's commitment.

The Government of Uganda has welcomed the release of the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. I wish to thank the Security Council for giving us the opportunity to respond to the contents of the final report.

We have prepared a detailed response to the final report, which has already been circulated in document S/2002/1202. It covers the strengths and critical weaknesses of the report. It responds to the major categories of allegations against the Uganda People's Defence Forces and outlines Uganda's views on the overall picture and on the challenges before the Security Council in the search for peace in the Great Lakes region.

With respect to Uganda's position on the principle of investigation, the Council will recall that in 2000 His Excellency President Yoweri Museveni gave his personal and strong support to the proposal to establish a United Nations panel to investigate allegations of illegal exploitation of natural resources of the Democratic Republic of the Congo. Since 2001, Uganda has extended its maximum cooperation to Panel members, during their visits to Kampala in November 2000, August 2001 and March and September 2002.

With the endorsement of the Security Council, Uganda established in May 2001 the Porter Judicial Commission of Inquiry to investigate allegations against Ugandan military officers, individuals and companies in connection with the illegal exploitation of the natural resources of the Democratic Republic of the Congo. As stipulated by our Commission of Inquiry Act, the Porter Commission has the judicial powers of the High Court of Uganda, including the power to subpoena witnesses and documents and to perform audits. I should say here that the Porter Commission has cooperated with the United Nations Panel, including through the exchange of information and materials.

The final report of the Porter Commission is expected by the middle of this month. Its mandate expires on 15 November, so it should be reporting any time now. The Government of Uganda will therefore await the release of the Porter Commission report before making any comments on allegations against specific Ugandan senior military officers and business people that are contained in the final report of the United Nations Panel. The Government of Uganda reiterates its commitment to the implementation of the recommendations of the report. Uganda — and this is important — will without doubt keep the United Nations security Council advised of whatever measures it takes in implementation of the recommendations of the Porter Commission.

Uganda is a country that became involved in the Democratic Republic of the Congo out of genuine security concerns. We believe that, in the interest of promoting peace in the Great Lakes region, there should be transparency in the activities of parties involved directly or indirectly in the Democratic Republic of the Congo.

I will now comment on the positive aspects of the Panel's final report. As pointed out in my press statement of 23 October 2002, the Government of Uganda has noted that the final report contains a number of positive elements.

The report recognizes the fact that the Republic of Uganda established the Porter Judicial Commission of Inquiry as an internal mechanism to address the allegations of illegal exploitation of the natural resources of the Democratic Republic of the Congo, in accordance with the Security Council recommendations contained in the presidential statements of 3 May (S/PRST/2001/13) and 19 December 2001 (S/PRST/2001/39). The United Nations Panel also made a positive effort to cooperate and share information with the Porter Commission, in spite of the marked differences between the Panel and the Commission on methods of investigation.

The report also confirms the fact that neither the Ugandan Government nor any of its companies are involved in the illegal exploitation of the natural resources of the Democratic Republic of the Congo. Indeed, the addendum to the previous report of the United Nations Panel (S/2001/1072) concluded that Uganda's involvement in the Democratic Republic of the Congo was based on, first, a bilateral protocol between Kampala and Kinshasa of 26 April 1998 and, secondly, the legitimate security concerns emanating from the threat posed by the negative forces operating in eastern Democratic Republic of the Congo: the Allied Democratic Forces, the West Nile Bank Front, the Ugandan National Rescue Front II and the more recently formed People's Redemption Army.

The report also shares Uganda's view that an embargo or moratorium on exports of natural resources from the Democratic Republic of the Congo would not be a "viable means of helping to improve the situation of the country's Government, citizens or natural environment" (*S/2002/1146, para. 155*). As Uganda stated in its response (S/2001/1163) to the addendum to the first report, such a moratorium not only would be difficult to enforce but, in a very large measure, would hurt the Congolese small-scale farmers and artisan miners whose livelihood depends entirely on earnings from the traditional cross-border trade.

The report also positively covers more, and a wider range of, participants by covering the end-user countries. By doing so, the final report provided the missing link and, in our view, improved the scope of the investigation to cover all parties involved in the Democratic Republic of the Congo. Indeed, in our view, a deeper historical analysis of companies and criminal organizations based outside Africa would have definitely helped create a proper understanding of the failure to build viable State institutions and structures in the Democratic Republic of the Congo since the era of King Leopold II of the Belgians.

Also positively, the report also focuses on recommendations that will create conditions and incentives for encouraging all parties to implement their obligations under the Lusaka Ceasefire Agreement, the related Pretoria and Luanda Agreements and the Sun City resolutions. They relate also to deepening regional integration; calling for strong international financial support for building State institutions in the Democratic Republic of the Congo; post-conflict reconstruction in the Democratic Republic of the Congo and regional neighbours; deterring international organized crime syndicates from continued illegal activities in the Democratic Republic of the Congo.

We in Uganda found these to be positive aspects of the Panel of Expert's report. But we also had difficulties, and we have areas we consider to be of concern to us. I will outline these. The first is the downplaying of Uganda's security concerns in the eastern Democratic Republic of the Congo. Unlike the addendum report of November 2001 (S/2001/1072), the final report completely ignores Uganda's legitimate security concerns as recognized in the Lusaka Ceasefire Agreement, the relevant Security Council resolutions, and the bilateral agreement between Uganda and the Democratic Republic of the Congo signed on 6 September 2002 in Angola.

Let me reiterate that Uganda got involved in the Democratic Republic of the Congo as a result of genuine security concerns. These included the operations of the terrorist groups I mentioned earlier and other forces such as the genocidal members of the former Rwandan Armed Forces (ex-FAR) and Interahamwe. Those groups have used the territory of the Democratic Republic of the Congo to launch persistent and indiscriminate terrorist attacks on the people of Uganda.

I will cite a few examples. This included the grisly incidents at Mpondwe in 1996, when more than

1,000 troops invaded Uganda from the Democratic Republic of the Congo at a border point called Mpondwe and at Kichwamba in 1998, where more than 100 college students were locked up in their dormitory and killed. I would also cite the Bwindi terrorist massacres of 1999, in which foreign tourists — from Britain, the United States, Australia and New Zealand — were killed, together with Ugandans. Bwindi forest is one of the last gorillas sanctuaries in the world. There continue to be persistent Interahamwe attacks in the Kisoro district of Uganda on the border with Democratic Republic of the Congo.

Another area of concern to us is the application of an invalid hypothesis to find Uganda guilty. There is the hypothesis of the elite networks, which are claimed to have curved out separate self-financing areas and to be responsible for the continuation of microconflicts over natural resources and revenues in the Democratic Republic of the Congo. This hypothesis, to us, is fundamentally flawed and invalid. A simple analysis will show that the basic assumptions of the hypothesis are wrong: the evidence of the existence of Ugandan elite networks is untenable and the motive of the hypothesis, to us, is ill-intentioned. I will elaborate on this.

The hypothesis makes the incorrect assumption that the Rassemblement Congolais pour la Démocratie-Mouvement de Libération (RCD-K/ML) and the Mouvement de libération Congolais (MLC) are mere façades and militias in the so-called Ugandan-controlled area. Since May 2001, Uganda has withdrawn from the Democratic Republic of the Congo; recently we withdrew from Beni and Gbadolite. We are left with one battalion, which remains in Bunia at the request of the Secretary-General, conveyed in his letter of May 2001, and also in accordance with the provisions of the Luanda Agreement between the Democratic Republic of the Congo and Uganda. My country is still committed to complete withdrawal, even from Bunia itself, and I will comment on this later. But I would like to say that the MLC and the RCD are right now effectively responsible for the administration of the areas under their respective control, and are not just façades; they actually control territory and are recognized under the Lusaka Ceasefire Agreement and by the Security Council.

The Panel of Experts does not appear to be cognizant of the history of the Democratic Republic of the Congo since the time of King Leopold II — including the fact that Uganda has been a victim of repeated terrorist attacks from that country's territory — when it says that Uganda really went there to loot. Furthermore, we find no evidence of the creation of an elite network in the so-called Uganda-controlled area.

We find the composition of the Panel of Experts and their method of investigation not to demonstrate a capacity to sift through deliberate falsehoods, war propaganda and political intrigue involved in the conflict in the Democratic Republic of the Congo. This may be due to the fact that membership of the Panel constantly changed, which also created some weakness.

But in a conflict such as that in the Democratic Republic of the Congo, one has to be careful when listening to or believing any evidence. For instance, the Panel believed the testimony of some Lendu chiefs that the Hema are responsible for protecting mineral-rich areas for purposes of exploitation. What we know is that it is not wise to believe what a Lendu says about a Hema, and vice versa. We also found it professionally dishonest to extrapolate data from one area of the vast Democratic Republic of the Congo to try to prove that, in the area where Uganda is, similar situations, such as deaths, are of the same magnitude. Even in my own country, one part of Uganda cannot be used to extrapolate for another.

More so, it is contrary to the mandate issued by the Council that the Panel elected in most cases to overlook the requirement for the inclusion of comments and reactions from States and other actors cited in the report. That was a major weakness in the work of the Panel. We can illustrate this by citing a number of examples. In paragraphs 102, 103 and 122, the Panel makes a muddled analysis of the recent power play in the eastern Democratic Republic of the Congo, and wrongly concludes that General Saleh, a retired Uganda People's Defence Forces (UPDF) officer, is training a private militia, that Uganda is intent on breaking up MLC to boost the Rassemblement Congolais pour la Démocratie (RCD-Congo), and that there is an attempt to replace Mbusa Nyamwisi with Roger Lumbala of the Rassemblement Congolais pour la Démocratie-Nationale (RCD-N).

Those who know the Congo can explain that the politics of the area is as follows: RCD-Congo is a splinter group of RCD-Goma; they disagreed with each other following the Sun City agreement, signed in

South Africa. Roger Lumbala is actually allied to Jean-Pierre Bemba and the MLC. There is no evidence to suggest that UPDF officers are in the process of undermining Bemba to bring him down. To the contrary, Bemba remains a close ally of Uganda. RCD-ML is allied to the Kinshasa Government and has been receiving military and other support from it in an attempt to open a rear front against Bemba; hence the fight between Mbusa Nyamwisi and Lumbala in the Isiro area. RCD-ML has been arming and training the Lendu against the Hema in the Ituri region. So, Hema elements have consequently deserted to form their own army under former RCD-ML Defence Minister Thomas Lubanga. The Union des Patriotes Congolais (UPC) has been seeking alternative sources of arms because we have refused to give them arms. Importantly, the Hema-Lendu conflict is historical, and not a result of the fact that UPDF went to Ituri.

The allegations that the UPDF is involved in commercial operations (para. 122) and that the Chief of Military Intelligence, Colonel Mayombo, signed a Protocol d'Accord on 22 February 2002 in exchange for a monthly stipend of $25,000 and exemption from taxes are, in our view, based on forged documents. The Panel had a chance to meet Colonel Mayombo in Kampala, but it never took advantage of this to clear this sort of material. It should have met authorities of the Uganda Government if they were in doubt. But there is no such Protocol d'Accord, as alleged in the report. And when you look for the evidence, there is no corroborating evidence. The Panel claimed that its findings would be based on the testimony of eyewitnesses and that it would operate under reasonable standards of proof, with fairness and objectivity. Unfortunately, the final report still contains serious factual errors, uncorroborated information, contradictions and clear distortions. The uncorroborated allegations against UPDF and those against the Government of Uganda could have been checked up on if the Panel had cared to do so. Let me comment on some of them to illustrate the point that I am making about serious errors.

In paragraphs 12, 14, 101 and 102, the Panel alleges that the UPDF presence is the cause of the instability in the Ituri area and that it is designed to create conditions for the continued illegal exploitation of the resources of the Democratic Republic of the Congo. I wish to point out that the UPDF remains in the Democratic Republic of the Congo at the request of the Secretary-General. We could have moved out completely, because we gave notice in July last year that we would do so. It remains there as a stabilizing force. Otherwise the process of the Lusaka Cease-fire Agreement in that area would have collapsed.

We were requested by the Secretary-General to withdraw UPDF from the area in the context of the Kampala disengagement plan. Through a special envoy, Uganda had notified the Secretary-General of its withdrawal from the Lusaka process and, therefore, of the unilateral withdrawal of its forces from the Democratic Republic of the Congo. Uganda has signed bilateral agreements with the Democratic Republic of the Congo, such as one signed in Angola; that will provide for the total withdrawal of UPDF and the creation of the Joint Pacification Committee on Ituri. I will return to that after I have addressed a number of other issues.

The Hema-Lendu conflict is historical and was triggered by a fight over land. The late Mobutu Sese Seko sided with the Hema and gave land to them, to the annoyance of the Lendu. We found this conflict there when we went into Bunia. We did not create the conflict, as seems to be alleged by the Panel. In fact, the situation is that, where Uganda has withdrawn — as in Gbadolite, Gémena, Buta and Beni, — there is relative peace. Many of those areas have more natural resources and larger populations than Bunia, where there has been persistent Hema-Lendu ethnic conflict over land. In other words, why should we leave Buta and Gémena and come to set up business operations and networks in a conflict-prone area? Right now, Uganda is prospecting for hydrocarbons and other minerals in areas adjacent to Ituri. What we need when we do this is peace in the neighbourhood, not confusion.

I will clarify that we are drilling for oil in the area on the floor of the Rift Valley, with very good prospects. We do not want war or conflict in the neighbourhood so that we spend our time managing refugees instead of drilling in our area as we are doing right now. As proof of the creation of conditions for the continued presence of UPDF for commercial operations, the Panel alleges that a Protocol d'Accord was signed on behalf of Uganda; as I said, that Protocol does not exist.

The Panel then alleges that UPDF is maintaining local militias in the eastern Democratic Republic of the

Congo to protect elite networks. I should point out that Uganda, through UPDF, has never trained any personal militias. But what we can say is that the Uganda Government has trained armies on behalf of its allies, namely the MLC and the RCD. The trained troops in the hands of the MLC continue to provide effective security and administration in the area under MLC control. Unfortunately the RCD has suffered numerous divisions in its leadership. As a result, some of the troops are under Mbusa Nyamwisi, in North Kivu, in the Beni-Butembo area. Others are under the former Defence Minister, Thomas Lubanga, who has since formed his own political group. The confusion in the report arises from the fact that the Panel did not understand those political situations in the area.

The fact that reference is made to UPDF as running militia groups that operate through intimidation is totally untrue. We operate on a very strict code of conduct, and many of our development partners here have complained to us that we are sometimes too strict in our application of our statute on the code of conduct. In fact they call it harsh, to say the least.

The United Nations Panel tries to hit a soft target by making a false allegation that 165 children between the ages of 14 and 16 were recruited and trained at a UPDF military camp at Tchakwanzi, in Uganda. The Council may wish to know the facts regarding this allegation, because it is serious and it involves children. Tchakwanzi is not a UPDF camp. It is a political school where we take our children for education in political matters. The children in question were rescued from a mutiny by Mbusa Nyamwisi and John Tibasima against Professor Wamba dia Wamba in Bunia, and we took them to Kampala or to Entebbe, complete with their weapons, and disarmed them as a way of assuring that there would be no deaths. I was in charge of that school because I was then national political commissar and we took those children to that place for counselling and for care. The children were subsequently handed over to the United Nations, which processed them and sent them back to their parents. No other training of children is known to us.

What is the way forward? Uganda remains convinced that the Security Council should put priority emphasis on the speedy implementation of the Lusaka Cease-fire Agreement and the supporting agreements made in Pretoria and Luanda. That would lead to the establishment of a new transitional government and a State capacity to guarantee against the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo.

Uganda believes in the speedy implementation of programmes for disarmament, demobilization, reintegration and repatriation or resettlement (DDRRR) which remain key to peace and security in the Great Lakes region. We have sorted out our programmes but, as I said earlier, Interahamwe continues to harass our territory in Kisoro. Therefore, Uganda calls upon the Security Council to strengthen MONUC and to support capacity-building programmes for peacekeeping and peace-building by African countries in order to implement DDRRR programmes.

The way forward for Ituri is through the implementation of Luanda Agreement, which provides for the creation of the Joint Pacification Committee on Ituri. The international community should provide adequate material support to the Committee. At this stage, the Council should assume its responsibility and provide adequate deployment of MONUC for the purpose of maintaining law and order in the area, given that UPDF is committed under the Luanda Agreement to complete withdrawal from Bunia by 15 December 2002.

This is a very serious matter. Under the Agreement we signed in Luanda, we said that on D-day — 6 September — plus 50 days Uganda was to submit a detailed plan of how we propose to withdraw from Bunia, and I will check whether we have done so. On D-day plus 70, which is next week, Uganda begins to withdraw troops from Bunia. And on D-day plus 100, which is 15 December, Uganda completely withdraws UPDF troops from Bunia. So, under the Agreement, the Council has to tell us what to do, because very soon, by virtue of the agreement, we shall be going out; this is to be completed by 15 December.

In our view, the proposed international conference on peace, security and sustainable development should take place under the auspices of the United Nations and the African Union (AU) soon after the establishment of a transitional government in the Democratic Republic of the Congo and a ceasefire in Burundi. Issues to be discussed at the conference, in our view, should be: post-conflict rehabilitation, reconstruction and development in the Great Lakes region; measures to support the deepening of regional economic integration, especially in the areas of infrastructure and human resources development; capacity-building for peacekeeping and

conflict resolution; and strengthening African Union capacity to monitor post-conflict reconstruction in the context of the New Partnership for Africa's Development (NEPAD).

Uganda calls upon the countries cited in the final report, including the end-user countries, to establish independent judicial commissions of inquiry to investigate and recommend appropriate measures on allegations of illegal exploitation of the Democratic Republic of the Congo. The Secretary-General should cooperate and should share information with Member States who wish to establish such judicial mechanisms. Uganda would be happy to share with other countries the experience of our Porter Commission of Inquiry in this respect. It is in such a context that individual companies and entities mentioned can, in our view, be fairly tried and punished.

In conclusion, let me say that we should focus on the big picture. Today, as I said earlier, we stand at the crossroads of a major breakthrough for peace in the Democratic Republic of the Congo, Burundi and in the Sudan through the Machakos process. The prospects for peace in the Great Lakes region have never been greater. The ongoing inter-Congolese dialogue in Pretoria has finalized agreement on a power-sharing arrangement for a transitional government in the Democratic Republic of the Congo. The intransigent Burundi rebels are expected to join the transitional government sometime in the near future, as far as we can see from what is going on in Dar es Salaam. And for the first time in history, President Al-Bashir of the Sudan and General Garang of the Sudan People's Liberation Army (SPLA) met in Kampala in mid-2002. In our view, the challenge before the Council, therefore, is to seize the moment and focus on the big picture, establishing the necessary conditions for peace, stability, regional integration and development in the Great Lakes region.

In our view, the Security Council should, therefore, while protecting the wealth of the Democratic Republic of the Congo, focus on five key elements of the big picture. The first is to strengthen United Nations Security Council support for the implementation of the Lusaka Ceasefire Agreement, the related Pretoria and Luanda Agreements and the inter-Congolese dialogue resolutions which were arrived at with a view to establishing an all-inclusive transitional government in Kinshasa. In my capacity as incoming Chairman of the Political Committee of the Lusaka Agreement, I promise to work closely with the Council on this issue.

Secondly, we would like to see support for regional and subregional integration in the framework of the African Union and NEPAD. In our case, the East African Community will soon agree on a customs union to pave the way for the admission of Rwanda and Burundi. As Chairman-in-Office of the East African Council of Ministers, I must applaud Ambassador Kassem's Panel in respect to this question of regional integration, which is supposed to help resolve some of the issues in our area.

Thirdly, we advocate strengthened cooperation among the United Nations as a whole, the Security Council, the African Union and the subregional security mechanisms in the resolution and prevention of conflict at the regional and continental levels in Africa as a solid basis for the implementation of NEPAD. Uganda will soon assume the leadership of the Intergovernmental Authority on Development (IGAD), a very important regional body. I can assure the Council that the efforts of my President as head of IGAD and mine as Chairman of the Council of Ministers of that body will be applied towards the realization of peace in Sudan and Somalia.

Fourthly, we would like the United Nations to encourage all countries cited in the Panel's report to establish independent judicial commissions of inquiry and to report back to the United Nations on measures to implement the relevant recommendations.

Finally, we call again on the Council to find immediate ways to ensure adequate MONUC deployment in Ituri for the maintenance of law and order as the Uganda People's Defence Forces withdraw from Bunia by 15 December 2002.

I apologize for having taken so long, but this is a very important matter, and I thank the Council for having given me the opportunity to make a contribution to this very important body of the United Nations, the Security Council.

The President (*spoke in Chinese*): I thank the Third Deputy Prime Minister and Minister for Foreign Affairs of Uganda for the kind words he addressed to me and, especially, to my country.

I should like to inform the Council that I have received a letter from the representative of Canada, in which he requests to be invited to participate in the

discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Heinbecker (Canada) took the seat reserved for him at the side of the Council Chamber.

The President (*spoke in Chinese*): The next speaker on my list is the representative of South Africa. I invite him to take a seat at the Council table and to make his statement.

Mr. Kumalo (South Africa): I thank you, Mr. President, for allowing us to participate in this important debate. I would like at the outset to thank the Permanent Representative of Cameroon, the Council President for October. We were proud of the way he steered the work of the Council. We welcome you, Sir, as President for this month and wish you the best as you proceed with your work.

My delegation affirms its support for the work of the Security Council, together with its subsidiary bodies, such as the sanctions Committees, monitoring mechanisms and expert panels. We consider these bodies to be mechanisms for contributing to peace by following up on the mandatory implementation of Security Council resolutions.

We believe that the work of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo complements peace efforts in the Great Lakes region. The report of the Panel of Experts (S/2002/1146) is useful in highlighting the impact of the illegal exploitation of the natural resources of the Democratic Republic of the Congo in fuelling the conflict in the Great Lakes region. All the agreements reached in resolving the conflict in the Democratic Republic of the Congo will not be implemented as long as there is a belief that war is more profitable than peace.

The Security Council is well aware of the commitment the South African Government has made towards achieving a peaceful resolution of the conflict in the Democratic Republic of the Congo, as well as that in the wider Great Lakes region. My Government believes that the achievement of peace in the Democratic Republic of the Congo is essential for contributing to the renewal of the African continent and the achievement of the goals of the New Partnership for Africa's Development (NEPAD).

However, we would like to inform the Security Council that South Africa is disappointed with the content of the final report presented to the Council by Ambassador Mahmoud Kassem. We are disappointed in the methodology the Panel used in gathering its information and in the conclusions and recommendations the Panel sets out in its report. South Africa would urge that the Security Council require the Panel to further investigate and substantiate the allegations and recommendations made in the report. We believe that the Panel's report contradicts the aims and the intentions of the Security Council.

As a matter of principle, my delegation is of the view that, when the Security Council establishes bodies to assist in the follow-up work of the Council, those bodies must follow clearly established guidelines in conducting their work. These should include close cooperation and consultations with Governments. It is therefore not acceptable that an expert panel, given an opportunity to meet with Government authorities, withholds information on matters that are of concern to the Governments involved. Yet Governments are supposed to further investigate allegations of interest to panels without being given basic information. In other words, we would hope that panels are there to assist Governments in carrying out the requirements of relevant Security Council decisions.

The South African Government met several times with the Panel. The Panel expected the South African authorities to conduct further investigations and to undertake any steps that might be necessary. However, South African Government authorities were expected to conduct an investigation with either little or no information. The Panel's report shows that the Panel had in its possession much information that could have been of assistance to further investigations. However, the Panel chose not to divulge that information, other than to use it as supposed evidence in its report.

I should like to use this opportunity to address some of the issues that have been raised by the Panel with regard to South Africa, to South African-based companies and to individuals. In paragraph 31, the report states:

> "Also working with ZDF is a convicted criminal based in South Africa, Nico Shefer, who has arranged for Zimbabwean officers to be trained in diamond valuation in Johannesburg. Mr. Shefer's company, Tandan Holdings, has a 50 per cent stake in Thorntree Industries, a joint venture diamond-trading company with ZDF."

On 14 June 2002, the South African Government was requested by the Panel to provide information concerning the trading — whether openly or clandestinely — of Congolese diamonds in South Africa or the transport of Congolese diamonds through South Africa by the Minerals Business Company (MBC). It was stated by the Panel that the South-African-owned or -based company Thorntree Industries reportedly has an agreement with MBC to trade its shipments of Congolese diamonds. On 31 July 2002, the South African Government informed the Panel that it had no information to verify the allegation concerning the transport through South African territory of diamonds bought by Thorntree Industries. It should also be noted that the issue of Mr. Shefer's arranging for Zimbabwean officers to be trained in diamond valuation in Johannesburg has never been raised with the South African Government by the Panel. The question of Mr. Shefer and Thorntree Industries is similarly raised in paragraph 58 of the report.

In paragraph 52, the report states:

> "Mr. Al-Shanfari instructed his security chief to smuggle diamonds from the Sengamines concession to Johannesburg, South Africa, and deliver them to Ken Roberts, the chief executive of Serengeti Diamonds."

That information has never been shared with the South African Government, nor has it ever been the subject of an inquiry addressed to the South African Government by the Panel.

In paragraph 139, the report identifies South Africa as one of 11 African States through whose territory goods originating in the Democratic Republic of the Congo are likely to pass. The Panel further states that it submitted questions to all of those countries and held substantive discussions with government representatives from five of them. The Panel inquired about relevant legislation, investigations into the flow of the commodities, measures taken to curb those flows, other possible action to be taken and those Governments' needs for assistance. According to the report, virtually none of the countries that responded to the Panel's questions had conducted any investigations or adopted any specific procedures for the identification or inspection of the transiting of commodities from the Democratic Republic of the Congo.

The report goes on to state that South African officials confirmed the seizure of a sizeable clandestine shipment of diamonds from the Democratic Republic of the Congo, but it provides no details. Also stated is that none of the authorities in those countries gave any indication that Congolese resources traded through their territories should or could be regarded as conflict goods, and that almost none of the countries proposed any meaningful measures to help curb trade in Congolese commodities that are tainted by criminality and militarization.

In September 2001, the Expert Panel approached South Africa regarding procedures followed by South African law enforcement agencies in combating smuggling activities and organized crime, as well as a chart clarifying the division of authority and the responsibilities of various authorities. On 14 June 2002, the South African Government provided a detailed description of the role and the functions of law enforcement agencies in South Africa. In addition, the Government provided the Panel with details of relevant legislation utilized in curbing smuggling and organized crime. The Government stated, however, that the South African law enforcement agencies are not aware of any significant or organized groups that are engaged in smuggling or other illegal activities involving diamonds, gold, coltan or other natural resources originating from the Democratic Republic of the Congo. The Panel had asked the South African Government for examples of actual cases of smuggling made by the South African law enforcement agencies originating from the DRC and countries involved in the conflict. The information provided by the South African authorities confirmed that a national of the Democratic Republic of the Congo had been arrested at Johannesburg International Airport in December 2001 with 13 diamonds in his possession. The Panel was informed that the individual had appeared in court, but that the case had been postponed until June 2002. It was further explained to the Panel that, since the court case was still pending, no additional information could be provided. That was the only information provided to the Panel regarding a seizure of diamonds with a connection to the Democratic Republic of the Congo.

In the information provided to the Panel, it was not possible to indicate the origin of the diamonds.

In annex III to the report, the Panel lists those business enterprises that it considers to be in violation of the Organisation for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises. Twelve South African companies are listed under annex III. Although no substantiating evidence for those listings is provided, the report states that

> "Countries which are signatories to those Guidelines and other countries are morally obliged to ensure that their business enterprises adhere to and act on the Guidelines." (*S/2002/1146, para. 177*)

With regard to the specific companies mentioned, South Africa has never been approached by the Panel regarding a company by the name of African Trading Corporation. Anglovaal, Banro Corporation, Carson Products, Mercantille CC, Saracen, Swanepoel, Track Star Trading 151, Zincor, Iscor and Orion Mining Inc. have never been mentioned in any of the Panel's previous reports, and no information related to their business activities or conduct has ever been shared with the South African Government, nor has any of those companies ever been the subject of an inquiry addressed to the South African Government by the Panel.

On 14 June 2002, the South African Government was requested by the Panel to provide a list of all South African and South-African-registered companies operating in or with the Democratic Republic of the Congo. During the meeting with the Panel, the South African authorities specifically raised with the Panel their serious concerns about its queries regarding South African companies operating in the Democratic Republic of the Congo, without any indication as to their participation in the illegal exploitation of the natural resources of the Democratic Republic of the Congo. South Africa underlined the fact that unsubstantiated queries by the Panel about the activities of companies operating legally and above board in the Democratic Republic of the Congo could be interpreted as casting unwarranted aspersions on their activities. In this context, I should also like to note the fact that South Africa is not a signatory to the OECD Guidelines. Although we support the objectives of the OECD, we do not understand how the Panel can use this mechanism as a means of accountability when we are not signatories to the Guidelines.

The report's statements about South Africa, South African companies and South African individuals consequently do not appear to be substantiated by hard evidence or information, nor does the Panel draw any distinction between legal and illegal activities of companies in its report. In our interaction with the Panel, the South African authorities underlined the difficulties that are experienced when dealing with the vagueness of certain queries received. It was pointed out that the provision of more detailed and accurate information would assist the South African authorities in addressing issues raised.

I understand that my statement is critical of the final report and that it brings into question the approach and methodology that have been adopted in its compilation. It is our hope, however, that the Council will take these concerns into account in its consideration of this report and of any new mandate that may be given to the Panel. We suggest humbly that the Council provide clear and specific guidelines on the functioning, approach and operating standards of any future mechanism it may decide to establish with regard to the Democratic Republic of the Congo.

The Council will understand that South Africa regards this in a serious light, not only because of its imputations, but also because of the role that South Africa continues to play, both in its national capacity and as the Chair of the African Union, in achieving lasting peace, security, stability and prosperity for the Democratic Republic of the Congo and its people.

Perhaps one of the most sweeping statements in the Panel's report is contained in paragraph 65. In the last sentence of that paragraph, the Panel dismisses the fundamental premise on which the Lusaka Agreement is based — the security concerns of parties to the Agreement — and which the Security Council itself has welcomed as a basis for peace in the Democratic Republic of the Congo. This misconception of the peace process in the Democratic Republic of the Congo, which is based on the Lusaka Agreement and which continues to preoccupy this Council, raises questions about some of the equally ambitious conclusions this Council is being asked to endorse.

Finally, it gives us no pleasure to come and contradict a Panel that the Security Council has appointed. However, we believe that it is important for the Council to act on facts, rather than on incomplete or even false information. When the Security Council

speaks, the whole world listens. For this reason, it is important that the Council rely on accurate and factual information when it makes its decisions.

The President (*spoke in Chinese*): I thank the representative of South Africa for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Denmark. I invite her to take a seat at the Council table and to make her statement.

Ms. Løj (Denmark): I have the honour to speak on behalf of the European Union (EU). The countries of Central and Eastern Europe associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries Cyprus, Malta, Turkey, as well as the country of the European Economic Area that is a member of the European Free Trade Association — Iceland — align themselves with this statement.

First permit me to congratulate you, Sir, on China's assumption of the presidency of the Security Council. Allow me also to commend the presidency of the Security Council on convening this open meeting on the important final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo.

The EU would like to underline the importance of discussing the economic aspects of conflicts in general and especially the connections between political and economic dynamics in conflict situations. We therefore welcome an open and transparent debate regarding the problems of resource exploitation. The European Union welcomes the final report and commends the Panel of Experts for its investigations and recommendations. The EU is looking forward to the outcome of the debate in the Security Council on the report.

The situation described in the report is most disturbing. The economic aspects of the conflict, and especially the illegal exploitation of natural resources, have fuelled the conflict and increased the human suffering. The conflict has dramatic consequences for the civilian population of the Democratic Republic of the Congo, especially in the eastern parts. The continuation of these illegal economic activities constitutes a serious obstacle to a peaceful resolution of the conflict. This is unacceptable by all moral, ethical and political standards.

Parties to the conflict at all levels have, according to the report, taken part in the illegal exploitation. Governments, Government officials, including army officers, local administrations, individuals, armed groups and companies have been involved. The report claims that elite networks continue the illegal exploitation of the Democratic Republic of the Congo despite the positive political and military dynamic created by the agreements of Pretoria and Luanda and despite the two previous reports from the United Nations Panel of Experts. We therefore welcome the fact that the Governments accused of this can take the floor here to defend themselves. If the claims are true, however, this activity must be strongly condemned from all sides and stopped.

Evidently, combating such well-organized exploitation will not be simple. It will require consolidated action by the international community and national Governments, both in the Great Lakes region and elsewhere, based on a process of thorough consideration and analysis. The conclusions and recommendations of the Panel's report will be an important input into this process.

The report suggests the creation of forceful incentives and disincentives to change the present patterns of illegal exploitation. Investments and exploitation of resources in a legal and sustainable way should be encouraged, thereby contributing to the economic stability of the whole region and benefiting the population at large. The European Union agrees that the international community must undertake efforts to fight those illegal practices and put pressure on those involved in these activities.

We must focus on how to control the utilization of natural resources. Securing the national borders of the Democratic Republic of the Congo is an important step in this regard. Furthermore, the European Union will closely examine the recommendations listed in the report regarding putting financial and technical measures in place, the need for institutional reform and ensuring a peace dividend. Full implementation of the Lusaka Agreement will create an environment conducive to international investments and further development assistance.

The EU echoes the report's call on national Governments of all countries where individuals,

companies and financial institutions involved in illegal activities are based to assume their part of the responsibility. They should ensure that those individuals and entities are made accountable, while ensuring them the right and the opportunity to defend themselves against the accusations.

The European Union considers it important that Governments urge private enterprises to adhere to the Organisation for Economic Cooperation and Development Guidelines for Multinational Enterprises. The EU stresses the importance of the Kimberley Process, which aims at organizing the certificates of origin system in the diamond sector.

Restrictions on certain business enterprises and individuals may be necessary to curb the illegal exploitation of the natural resources of the Democratic Republic of the Congo. The European Union is ready to assist the Security Council in that regard.

The European Union shares the analysis that the establishment of an inclusive, transitional Government in Kinshasa is very important. The EU has continuously called upon all Congolese parties to reach an all-inclusive agreement on power-sharing and transitional institutions.

The EU also supports the conclusion that all rebel groups in the Democratic Republic of the Congo should be disarmed and all foreign forces withdrawn, in accordance with existing peace agreements. The EU has constantly reminded all parties to the conflict of their obligations in that regard.

The EU is considering the Panel's call to hold an international conference on peace, security, democracy and sustainable development in the Great Lakes region. Such a conference could provide a platform for addressing a number of the cross-border challenges of importance to the conflict. Furthermore, it could address issues concerning the future stability and development of the region, including strengthened regional integration and cooperation. The European Union stands ready to discuss cooperation with the countries of the region, the United Nations and the African Union on such a conference.

The EU supports the recommendation to establish a monitoring mechanism.

Allow me to conclude by reaffirming the commitment of the European Union to contribute to bringing an end to the illegal exploitation of the resources of the Democratic Republic of the Congo. The EU will continuously engage in cooperation with the countries of the region and the international community to secure peace, stability, democracy and sustainable development in the Great Lakes region.

The President (*spoke in Chinese*): I thank the representative of Denmark for her congratulations to China on its assumption of the presidency of the Council.

The next speaker inscribed on my list is the representative of Belgium. I invite him to take a seat at the Council table and to make his statement.

Mr. De Ruyt (Belgium) (*spoke in French*): Allow me at the outset to congratulate the representative of Cameroon for the effective way in which he presided over the work of the Council during the month of October, and to congratulate you, Sir, on your assumption of the presidency of the Council. I am convinced that, under your competent leadership, the Council will be in a position to successfully assume its important responsibilities for the month of November.

I also wish to thank you for taking the initiative of holding an open discussion on this important report (S/2002/1146), to which Belgium attaches special importance. I hope this debate will enable us to better understand this complex material and to give a more detailed response to the questions it raises. My statement supplements the one made by the presidency of the European Union, which we fully endorse.

I wish to commend the efforts made by Ambassador Kassem and other members of the Panel in drawing the attention of the international community to the illegal exploitation of natural resources of the Democratic Republic of the Congo and to their disastrous effects on the peace process, as well as on the opportunities to rebuild the country.

This report is also an important contribution to the consideration of the causes and stakes involved in the illegal exploitation of resources in general.

Belgium welcomes the special attention paid by the report to the economic dimension of the search for peace in the Democratic Republic of the Congo. Therefore, we strongly support the Panel of Experts' first recommendation, that:

> "a set of agreements or initiatives on reconstruction and sustainable development are

needed to address the economic dimension of the Lusaka peace process and provide incentives for continuing progress." (*S/2002/1146, para 161*)

We also support the Panel's suggestion whereby economic integration and regional trade should be the subject of regional consultations aimed particularly at organizing the conference on peace, security and sustainable development in the Great Lakes region.

As members know, the Belgian Government, particularly the Deputy Prime Minister and Minister for Foreign Affairs, Mr. Louis Michel, have spared no effort to encourage internal political dialogue in the Democratic Republic of the Congo and respect for the commitments made by all the parties in the Lusaka, Pretoria and Luanda Peace Agreements. But in order for current progress to be consolidated and to lead to lasting peace and for democratic institutions in the Democratic Republic of the Congo to be gradually established, it is absolutely necessary that the economic pillaging of the country, as described in the Kassem report, be denounced and all efforts be made to put an end to it.

Belgium is convinced that the re-establishment and reform of institutions of the Democratic Republic of the Congo are crucial in order to enable the transitional government to control the country's natural resources. Belgium supports the recommendation of the Panel of Experts in that regard, and, in fact, it has made that objective a priority of its bilateral cooperation, advocating greater substantial official development assistance in that respect.

Addressing problems of illegal exploitation of resources requires first and foremost a structural approach. The Security Council should thus, and above all, seek normative solutions that make possible the continuation of legitimate economic activity in the region by establishing well-defined criteria. Those criteria should allow, for example, for a better definition of the term illegality and should avoid a situation whereby companies would find themselves, ex post facto, faced with ill-defined concepts of morality and legitimacy.

Such a normative framework would also enable us to clarify the scope of criticism levelled by the Panel against individuals, companies or Governments. Respect for those norms and possible controversial differences in that regard could therefore be evaluated on a more thorough and objective basis. In that regard, it is regrettable that the right to be heard and to defend oneself has not been respected in the cases of cited individuals and companies, and for which sanctions are proposed. Therefore, the criteria and the evidence on the basis of which individuals and companies are included on the annexed list are not clear. Moreover, in some cases they are not contained in the body of the report.

The Kimberley Process of certification could serve as an example of a structural approach such as the one I have just mentioned. From the outset, Belgium firmly committed itself to that process in order to find exhaustive arrangements regarding the diamond sector. In fact, we hope that the Security Council will assume its responsibilities in that regard by supporting that process in due course.

Above and beyond the normative approach, there are other ways of reacting to the situations described in the report. The establishment of a sanctions regime is a possibility. There are also broader options with regard to their coverage, but they must all be applied judiciously. That is true in the case of reducing official development assistance, which runs the risk of having negative consequences, particularly for people who are often innocent victims.

For a possible sanctions regime, as well as for other options, it is essential that the actions decided upon be part of a framework of a peace process and that they not affect it negatively. Indeed, the Panel was established primarily to contribute to restoring peace and stability in the Democratic Republic of the Congo.

At the national level, the Belgian Government has firmly committed itself to the resolution of the problems stemming from the illegal exploitation, and the economic situation, of countries in conflict. My Government adopted in July a plan of action in this regard. Our Minister for External Trade, Ms. Annemie Neyts-Uyttebroeck, came to New York in October to consult with the Chairmen of the sanctions Committees established by the Security Council, as well as with the Chairmen of the Monitoring Mechanisms.

Belgium overall advocates greater uniformity in the expert panel system as well as the establishment of clear-cut rules for professional conduct and confidentiality. In this context, it held, on 30 October in Brussels, a seminar aimed at an in-depth consideration of the issue at the national level and at consolidating the initiatives taken by our country in the

context of the Organization for Economic Cooperation and Development.

Regarding the specific case of the Great Lakes region, Belgium has set up a Senate Committee on the situation in the Great Lakes and the illegal exploitation of the natural resources of the Democratic Republic of the Congo, which is investigating the problems related to the illegal exploitation of natural resources in that region. The work of that Commission is under way, and its members will soon be going to the Democratic Republic of the Congo and to Rwanda. The Commission's conclusions are expected by the end of the year. Along with the Security Council's conclusions on the report of Ambassador Kassem, they will enable Belgium to fine-tune its own plan of action.

In conclusion, we fervently hope that the Security Council will give in-depth consideration to this report and remain seized of these problems, as there is so much at stake for the Democratic Republic of the Congo and for the region as a whole.

We are therefore in favour of the recommendation of the expert panel that a monitoring body be created that could report to the Security Council on a regular basis about developments on the ground and make whatever recommendations it deems appropriate. Such a body should, inter alia, continue the group's investigative efforts and update the relevant lists of individuals and companies, once it has heard all those who wish to be heard. It seems to me that this should be done before more concrete measures are taken in this respect. The monitoring body should also take into account the new context created by the withdrawal of foreign troops from the Democratic Republic of the Congo and focus on those situations that continue to present obstacles to the return of peace and to the success of the inter-Congolese dialogue.

The President (*spoke in Chinese*): I thank the representative of Belgium for the kind words he addressed to me.

The next speaker inscribed on my list is the representative of Rwanda. I invite him to take a seat at the Council table and to make his statement.

Mr. Gasana (Rwanda) (*spoke in French*): My Government warmly congratulates you, Sir, on your assumption of the presidency of the Security Council during the month of November 2002, and also for the acumen that you have always shown in guiding the work of the Council whenever you have presided over it. We wish also to congratulate your predecessor, Ambassador Martin Belinga-Eboutou, Permanent Representative of the sister Republic of Cameroon, for his outstanding leadership of the Council last month.

My delegation would like also to welcome the Third Deputy Prime Minister and Minister for Foreign Affairs of the sister Republic of Uganda.

You were wise, Sir, to convene this open debate of the Security Council on the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo.

My Government would like to take this opportunity to reject entirely what is stated in the report with respect to the false accusations against Rwanda and the Rwandese people, as we stated in the written response of the Rwandese Government, transmitted officially in a letter addressed to the President of the Security Council dated 23 October 2002.

It was a tremendous shock for us to see it stated in the Panel's report that the Rwandese defence forces went to the Democratic Republic of the Congo merely for economic reasons. This is truly shocking and unacceptable. I myself was in the Government as Minister for Foreign Affairs in 1996, when we decided to commit troops to the Democratic Republic of the Congo. Therefore I know exactly why and in what circumstances we went there in 1996, and not before.

The ministries in Kigali, United Nations agencies and non-governmental organizations were passing around handmade maps of Rwanda, with bright red shading along the Rwandese provinces bordering on the Democratic Republic of the Congo, telling everyone in the international community never again to enter into any of the four provinces bordering the Democratic Republic of the Congo. This was because the former Rwandan Army (ex-FAR) forces and the Interahamwe militia were carrying out savage attacks, and innocent people were being murdered, including women, the elderly and children.

I remember that the last straw was the assassination by the ex-FAR and the Interahamwe militia of a woman who was the Mayor of one of the districts of Cyangugu province, which borders on the South Kivu province of the Democratic Republic of the

Congo. It was at that point that we decided to pursue them in the Democratic Republic of the Congo.

The second stage of our departure for the Democratic Republic of the Congo — which was motivated by security imperatives with respect to our country, our people, and foreign residents on Rwandese territory — was triggered by the massacre of young girls in a secondary school in Nyange, in Kibuye province, which borders on North Kivu province in the Democratic Republic of the Congo. The ex-FAR and Interahamwe attacked the school during the night. They ordered the girls to split up into two groups — Hutu and Tutsi — in order to spare the Hutu and massacre the Tutsi. But the Hutu girls refused to leave their Tutsi compatriots alone, so they were all shot on the spot by the ex-FAR and Interahamwe. Today those young girls have been declared national heroes in our country.

Another event that triggered the departure of our troops for the Democratic Republic of the Congo in pursuit of the genocidal rebels was, unfortunately, the assassination by the ex-FAR and Interahamwe of a Chinese expert who was working on the Kigali-Gitarama-Kibuye road — again in a province bordering the Democratic Republic of the Congo — in the context of a road-building programme financed by the World Bank.

The foreign community living in Kigali was an eyewitness to these events, if not their victim. How can the Panel of Experts now deny in its report the security concerns of Rwanda and of its people? How can we explain this revisionist attitude? It can only be manipulation and political motivations, the underlying reasons for which we do not know.

My Government would like to remind the members of the Council that in 1994 the ex-FAR and Interahamwe — the planners and perpetrators of the Rwandese genocide — after having massacred more than a million Rwandese, fled, taking all of their weapons, to the Democratic Republic of the Congo under the cover of a military operation — "Operation Turquoise" — which had set up its headquarters in the Democratic Republic of the Congo, in the cities of Goma and Bukavu.

The international community, which neither prevented nor put an end to the genocide in Rwanda, was not able to disarm the genocidal ex-FAR and Interahamwe, who took shelter in refugee camps in the Democratic Republic of the Congo. On the contrary, some members of what is called the international community continued, with the complicity of the then Kinshasa Government, to arm and provide political and financial support to the ex-FAR and Interahamwe — the authors of the genocide in Rwanda. That was proved clearly and unambiguously in the Kassem report — the report of the International Commission of Inquiry on the sale and flow of arms to the ex-FAR and Interahamwe in the Democratic Republic of the Congo — contained in document S/1998/1096. We do not understand how the second Kassem report can deny both the findings and the conclusions of the first. We cannot make sense of that contradiction, but it is very revealing: it shows that anything is possible when reports are the result of partisan political motives rather than of a firm will to resolve existing problems such as those that we have just described.

The ex-FAR and Interahamwe are present in great numbers in the Democratic Republic of the Congo, having taken with them a huge arsenal of weapons from Rwanda and having purchased new weapons with public funds stolen from Rwanda's commercial banks, including the Central Bank. Have they, perchance, been confused with the natural resources of the Democratic Republic of the Congo?

General Augustin Bizimungu, Chief of Staff of the ex-FAR forces; Colonel Renzaho Tharcisse, former mayor of Kigali; Major-General Ntiwiragaba, who recently participated in a joint meeting between the Congolese Armed Forces and the ex-FAR and Interahamwe at Lubumbashi, under the direction of President Kabila himself; Colonel Rwarakabije, Commander of the ex-FAR; Colonel Bigaruka; Colonel Gasake, who was a member of President Kabila's protection battalion; Major Mpiranyi Protais, former Commander of the presidential guard; and many others: do they constitute the coltan of the Democratic Republic of the Congo? Is it truly believed that pursuing those planners and authors of the genocide is the same as searching for coltan?

The Rwandan Government refutes categorically any allegation that it sent its army to exploit the mineral resources of the Democratic Republic of the Congo. Our army had a clear and precise mission: to combat the ex-FAR and Interahamwe so as to enable the people living in the four Rwandan provinces bordering the Democratic Republic of the Congo and elsewhere to enjoy peace and public order once again and to enable the members of the foreign community working in Rwanda to carry out

their development assistance activities in those provinces. We were successful, because our army never deviated from its primary mission. The exploitation of mineral wealth has never been a motivating factor for our armed forces.

The final report adds almost nothing new to earlier reports; it merely repeats unsubstantiated allegations that we refuted on 3 May 2001, after the first report was issued. The report is politically motivated. Those who promote the idea that there should be a Panel of Experts decided in advance, as is well known, that Rwanda should be a target.

The Panel of Experts finished its work on the ground four months before we withdrew from the Democratic Republic of the Congo, and it has not returned since our complete withdrawal on 5 October 2002. How, then, can it be in a position to write page after page of the final report claiming that our withdrawal from the Democratic Republic of the Congo was not complete? That fact alone discredits its claim to expertise — a true expert would avoid making statements about an issue about which he did not have all the facts and the truth of which he had not corroborated. Our complete withdrawal was supervised by the United Nations Organization Mission in the Democratic Republic of the Congo, the Joint Military Commission and members of the diplomatic corps accredited to Kigali, and was properly verified by the third-party verification mechanism.

We fear that reports such as the one before the Council today, which any informed analyst or reader would judge to be politically motivated, have a hidden agenda: to perpetuate the war between my country and the Democratic Republic of the Congo. You may recall, Mr. President, that the sceptics were not happy when the Pretoria Peace Agreements were signed between my Government and the Democratic Republic of the Congo, calling them unrealistic, too ambitious and a fool's game. President Kagame of Rwanda addressed the Security Council on 13 September 2002. Four days later, on 17 September 2002, our armed forces began to withdraw from the Democratic Republic of the Congo, as we promised the Council. But the Security Council remained silent during the entire period of our withdrawal, which was completed on 5 October 2002. Unfortunately, that silence encouraged President Kabila to organize a meeting in Lubumbashi bringing together once again the armed forces of the Congo, the ex-FAR and Interahamwe, the Mai-Mai and the Front for the Defence of Democracy of Burundi, so as to plan the attack on Uvira and other violations of the Lusaka and Pretoria Peace Agreements.

We are concerned, therefore, about the future of the Pretoria Agreements, especially given that President Kabila's main advisers are urging him to place obstacles in the way of their implementation, instead of encouraging respect for them and for their scrupulous and systematic implementation, as Rwanda has done by withdrawing all of its forces from the Democratic Republic of the Congo.

My Government believes that the report before the Council is biased, subjective and unprofessional, because it is not based on genuine and credible facts. Its authors make only unsubstantiated allegations. In order to fool the reader, they keep repeating that they have real and credible facts available to them, but they do not put them at the disposal of the reader to make the determination for himself. Why is that? The Minister for Foreign Affairs of our sister Republic of Uganda and the Permanent Representative of South Africa raised that point earlier, and asked why the Panel had refused to make available the documents in its possession so that Governments could verify their authenticity. They may have such documents, but that does not mean that they are authentic; forgeries exist, as is well known. My Government is therefore seriously concerned about the motivation that underlies the report and about the credibility of its authors.

Although it is clear to us that the intent is to undermine the Pretoria Agreements, my Government remains committed to the Pretoria and Lusaka Peace Agreements, and will do everything in its power to restore peace in the Democratic Republic of the Congo and in the Great Lakes region as a whole. My Government calls upon the international community, in particular the sceptical elements, to accept this, to set aside their national agendas and to help us to fully to restore peace in the Democratic Republic of the Congo.

Finally, my Government firmly opposes the Panel's idea that a so-called monitoring body should be established. Reading about how the Panel would define such a body and its functions, it becomes clear to us that the so-called monitoring body has no purpose. Such a body would, like the Panel, merely foment, rather than reduce, tension and conflict in the region, in particular because it would be vulnerable to competing influences and other forms of foreign manipulation.

Such a body would only paralyse the economies of countries in the region, make transborder trade difficult, if not impossible, and frustrate both business people and the population in the countries of the region. This agrees with the remarks made by the representative of Belgium with regard to the need for a normative approach.

Furthermore, such a body would merely criminalize trade in the region, whereas all regional countries want trade within a legal framework allowing free circulation of goods and people. In this region we have a precious tool available to ensure legal trade in the region, namely the Economic Community of the Great Lakes Countries, which the Panel did not even mention. It is comprised of Rwanda, Burundi and the Democratic Republic of the Congo. Instead of creating one more body, which is manifestly unnecessary, we should work on, rather, financing the revitalization of the Economic Community of the Great Lakes Countries. It dates back to 1970 and provides a common passport for the peoples of the three countries. In other words, a passport issued by the Congolese authorities is valid in the three countries of Rwanda, Burundi and the Democratic Republic of the Congo, and likewise for passports issued in Burundi and Rwanda.

There are also other reliable and independent competent bodies, such as the World Trade Organization and the World Bank Group, which have the capacity to carry out the tasks that the Panel wishes to entrust to what it refers to as a monitoring body. There are also regional organizations such as the Common Market for Eastern and Southern Africa, the Southern African Development Community, the Economic Community of the Great Lakes Countries, to which I have just referred, the Organization for Planning and Development of the Kagera River Basin, the East African Community, which the Minister for Foreign Affairs of Uganda mentioned, and the Economic Community of Central African States. All those existing and operational structures would contribute to stabilizing the situation and would fit in better with the regional integration system, which is one of the key objectives of our African Union.

The President (*spoke in Chinese*): The next speaker inscribed on my list is the representative of Oman. I invite him to take a seat at the Council table and to make his statement.

Mr. Al-Hinai (Oman): Allow me, first, to extend my congratulations to you, Mr. President, on your assumption of the Presidency of the Council and to wish you well as you continue to lead the Council in the coming weeks. I would also like to thank Ambassador Belinga-Eboutou of Cameroon for the excellent manner in which he guided the Council's work last month.

We are meeting today to continue consideration of the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2002/1146). My delegation has carefully read the report and listened attentively to Ambassador Mahmoud Kassem when he presented it to the Council on 24 October. My delegation does not wish to enter into the causes that led to the violent conflict and suffering of the past years in the Democratic Republic of the Congo. Suffice it to say that my delegation is encouraged that, since the signing of the Pretoria and Luanda Agreements, much progress has been made towards achieving peace in the Democratic Republic of the Congo. It is through peace that the Government of that country will once again be able to exert its authority over all of its territory, its natural resources and its economic activities.

As I turn to the report of the Panel, I will restrict my comments to those paragraphs pertaining to one company and its chairman. I cannot but express my delegation's strong concerns at the wrongful allegations, factual errors, hearsay and uncorroborated information propagated against Oryx Natural Resources, the most negative of which is that it is a front for the Zimbabwe Defence Forces.

Oryx Natural Resources (ONR) is a private limited company and derives its capital from Arab Gulf countries. Its chairman is an Omani national. ONR established a joint-venture company called Sengamines with the Government of the Democratic Republic of the Congo to explore and exploit a 792 square kilometre concession of land located within the Government-controlled area of the country. ONR is a 49 per cent shareholder in Sengamines, while the Government of the Democratic Republic of the Congo holds the remaining 51 per cent. To date, ONR has invested over $100 million in that joint venture. It employs 1,200 nationals and affects the lives of 100,000 people living in the concession area. In an area where there was no piped water, the nationals can now

get fresh water right at their doorstep. Where there were no schools, their children can now attend well-constructed schools, with books and uniforms supplied by the company. Where there were no medical facilities, the company has built clinics and is undertaking the refurbishing of a local hospital. Where there were no roads, more than 300 kilometres of roads have been constructed.

In short, Sengamines has created an infrastructure that has delivered significant benefits for the local community and has even won an award for being the pillar of the economy of Kasai Oriental. The benefits to the population were echoed in the statement to the Council on 24 October by Mr. She Okitundu, Foreign Minister of the Democratic Republic of the Congo, who said, "My delegation believes that the natural resources and other forms of wealth of the country must first and foremost benefit its people" (S/PV.4634, pg. 6). By the end of 2003, ONR plans to be producing a significant share of the world's supply of rough diamonds from the Sengamines concession in the Democratic Republic of the Congo.

Unfortunately, its success has brought upon it unfavourable, envious and malicious allegations from its competitors, who have been willing to go to any length to discredit and slander it. After 11 September, the mere imputation of an association with Osama Bin Laden and the Al Qaeda network has the effect of pronouncing a death sentence on the accused. A very reputable broadcasting company did just that. And after it was threatened with a lawsuit, it made an apology on its newscast. Other questionable sources have been the suppliers of wrongful allegations, which, unfortunately, made their way into the report now before the Council.

My delegation wishes to make the following observations. First, having studied the report of the Panel of Experts and its related documents, we could not find any proof to substantiate the allegations made against Oryx Natural Resources (ONR) and its chairman. Secondly, ONR, funded by private Gulf investors, and in joint venture with the Government of the Democratic Republic of the Congo, aims at contributing towards the economic and social development of that country.

Thirdly, we have not heard of any complaints against ONR and its chairman from the Government of the Democratic Republic of the Congo, neither in the statement delivered by its Minister of Foreign Affairs and International Cooperation, nor in documents submitted to this Council. Surely the Government of the Democratic Republic of the Congo is more competent than any body in determining whether a company operating in its area of jurisdiction is legitimate or not. In addition, ONR has received a letter of support and appreciation from the Government of the Democratic Republic of the Congo.

Fourthly, from what we were able to determine from representatives of countries neighbouring the Democratic Republic of the Congo, there were no serious complaints against ONR that would warrant its inclusion in this report. Fifthly, we fail to find any credible reason why this matter is before the Council in the first place. My delegation calls on the Council to protect and uphold the reputations of the companies and individuals mentioned in Annexes I and II of the report and to close forthwith this file so as not to undermine their legitimate achievements through these false accusations.

It is my delegation's hope that the Council will seriously take into consideration the grave concerns expressed by the delegations that have spoken before me and that the Council will take appropriate action to rectify the damaging and incorrect information contained in the report.

The President (*spoke in Chinese*): I thank the representative of Oman for his kind words addressed to me, and my country. The next speaker on my list is the representative of Zimbabwe whom I invite to take a seat at the Council table and to make his statement.

Mr. Muchetwa (Zimbabwe): We congratulate you for assuming presidency of the Security Council for this month and wish you well in your endeavours. We would also like to extend through you, our gratitude to your predecessor, Ambassador Belinga-Eboutou for the sterling work that he did in the Council during the past month.

My Government's comments on the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2002/1146) are as follows:

The final report of the Panel Experts maintains the same approach as that of the Addendum to document S/2001/1372, issued on 13 November 2001. In its contribution to the United Nations Security

Council debate on that Addendum on 14 December 2001, the Government of Zimbabwe, through the Minister of Foreign Affairs, Mr. Mudenge, characterized the Addendum as a "hurriedly drawn Zimbabwe-bashing pamphlet". The final report is no different, in its intent, from the Addendum. Consequently, the observations and comments made on that occasion remain pertinent, even though the final report has shifted the focus of its attention from States to individuals operating the so-called elite networks.

The final report deliberately, for it cannot be otherwise, misdefined the nature and character of the conflict in the Democratic Republic of the Congo. By characterizing the conflict as regional in paragraph 12, the Panel detracts attention from the real causes of the conflict as well as its principal progenitors. Consequently, it now portrays the conflict as being no more than motivated by the greedy desire of African military and security leaders to loot, plunder and profiteer from the riches of Democratic Republic of the Congo.

Zimbabwe has, on innumerable occasions, including at the Security Council and in the presence of the members of the Panel of Experts, gone to great lengths to explain the basis of its involvement in the war of aggression perpetrated by Rwanda, Uganda and Burundi against the Democratic Republic of the Congo. For reasons best known by the Panel, these explanations including, as well, their recognition and acceptance by the Security Council as to the distinction in the character and purpose of the presence of allied troops and those of Rwanda and Uganda in the Democratic Republic of the Congo have not only been ignored but also questioned.

Speaking on this issue, the Minister of Foreign Affairs and International Cooperation of the Democratic Republic of the Congo, Mr. She Okitundu, as recently as October 24 this year, responding to this report, again stated clearly that the allied forces from Angola, Namibia and Zimbabwe, at the invitation of the Democratic Republic of the Congo helped them defend their sovereignty from being over run by the invading forces of Burundi, Rwanda and Uganda. He further stated that since the issuance of the Addendum and final report, there seems to be a desire to attack Zimbabwe for reasons that are well known. It is important to note that the victim of these illegal exploitative activities, the Democratic Republic of the Congo, is at pains to understand why the Panel is choosing to drag Zimbabwe into the cabal of the uninvited forces.

The final report repeats allegations that have been challenged and discounted in the past without offering any new evidence. For instance, in paragraph 23, there is the repetition of alleged Zimbabwe Defence Forces support for Burundi and Rwandan rebels; in paragraphs 17 and 54, the Panel alleges that the Democratic Republic of the Congo Government repaid Zimbabwe for military services and contributed to the salary payments for Zimbabwe Defence Forces personnel. Either the Panel mistakenly believes that repeating these falsehoods will somehow transform them into accepted truths or it is pursuing a certain agenda whose realization demands that the falsehoods should continue to be peddled in the public domain.

In paragraph 5, the Panel states that it "determined that a central focus of its work should be gathering information about politically and economically powerful groups involved in the exploitation activities ...".

It adds that "the Panel developed the central concept of the elite network ... as an operational thesis".

The report does not privilege us with information on why and on what basis it made such a determination, and how this thesis related to any or all of the components of its mandate. It appears that the Panel, contrary to the Security Council's mandate as reproduced in the final report in paragraph 1 (a-d), decided on a mandate of its own. This propensity towards revising the mandate set by the Security Council can be traced to the addendum of November 2001.

While the original Panel had painstakingly and meticulously defined the key concept of illegality in the mandate, the current Panel fudged the distinction between legal and illegal exploitation. For them, those activities amount to the same thing. Hence, the interchangeable use of the words "exploitation" and "illegal exploitation" throughout the final report.

The new paradigm or operational thesis shifts the focus of attention from the State to the individual. This, of course, fits in comfortably with the characterization of the conflict as a regional conflict perpetrated by individuals whose sole motive is greed and looting. But this paradigm has sinister motives as well. Apart from letting those States who are in violation of international law off the hook, it demeans the legitimate relations between Zimbabwe and the Democratic Republic of the

Congo. Not only does it suggest the privatization of State interests but it also reduces relations between the Democratic Republic of the Congo and Zimbabwe to the level of the so-called elite networks and the individuals allegedly involved therein. It thus criminalizes legitimate State-to-State relations between the Democratic Republic of the Congo and Zimbabwe and, by extension, legitimate activities carried out by duly appointed State representatives in the normal conduct and promotion of mutually beneficial relations between our two countries.

We have no apologies to make for the very close and co-operative relations that exist between Zimbabwe and the Democratic Republic of the Congo. These relations are being conducted in the framework of cooperation agreements signed between our two sovereign and independent States. If activities pursued under legal frameworks signed by sovereign Governments are considered illegal, then the Panel will have to come up with a new definition of legality. There is something fundamentally wrong with an approach that, on one hand, accepts that the Democratic Republic of the Congo is a sovereign and independent State whose affairs are being conducted and managed by a legitimate Government, and, on the other hand, questions the legality of the decisions and agreements taken and signed by that very same Government. The Panel betrays its schizophrenia about the legitimacy of the Government of the DRC; in many instances it refers to that Government in the accepted form but on occasion refers to it as the "Government in Kinshasa" (paragraph 23), an appellation we strongly objected to in December 2001. The Security Council, and indeed all of us, deserve an explanation from the Panel as to who it feels should sign agreements on behalf of the Democratic Republic of the Congo, if it criminalizes the legitimate actions undertaken by the duly appointed Government ministers of the Democratic Republic of the Congo in the conduct of their ministerial responsibilities.

In paragraph 27, the Panel makes a very outrageous and serious allegation that Harare has been turned into "a significant illicit diamond-trading centre" without providing the slightest evidence to support it. Members of the Security Council may wish to note that the regional headquarters of Interpol for Southern Africa is in Harare. This headquarters has been very active in combating criminal activities throughout our region and would certainly have been aware of the allegation being made by the Panel, as would the Zimbabwe Government. As will be indicated later, only one representative of the Panel, a part-time technical adviser, visited Harare in the course of the compilation of this report and there is no evidence that he visited Interpol or any organization that could have provided him with information to reach such a conclusion.

The character and nature of the joint ventures between Zimbabwe and the Democratic Republic of the Congo are misrepresented, as they are now reduced to mere vehicles for the activities of the so-called elite networks. This is in spite of the explanation given to the Security Council on 14 December 2001 by Minister Mudenge on the genesis and other attributes of the joint ventures. The final report's misrepresentations amount to questioning the veracity and credibility of the Minister's statement, purely on the basis of an operational thesis, for there is no evidence to conclude otherwise.

Trade and commercial relations between Zimbabwe and the Democratic Republic of the Congo are multifaceted and predate the 1998 war there. As with our relations with other countries, Zimbabwe is always endeavouring to reinforce and deepen its relations with the Democratic Republic of the Congo for the benefit of not only our two countries but also of the Southern African Development Community region and of the wider African continent. It is in this context that, following a meeting of the Joint Inter-Ministerial Commission involving Zimbabwe and the Democratic Republic of the Congo, held in Nyanga, Zimbabwe, from 18-22 August 2002, some eight agreements were signed between our two countries. These agreements encompass a wide range of areas of cooperation, including trade, investment, finance and the movement of persons.

We are dismayed at the continued use of the Panel's report to do a hatchet job on Zimbabwe. For instance, paragraph 28 makes a totally irrelevant and uncalled for reference to Zimbabwe's electoral laws. What do the electoral laws of Zimbabwe have to do with the illegal exploitation of the Democratic Republic of the Congo resources? Nothing at all. They are brought in here purely to sully the name of Zimbabwe and its Government. The British project to destabilize Zimbabwe has, in this report, sought to draw attention to our military and security establishments and institutions. The allegations of

criminal behaviour levelled against our military and security institutions, as well as some specific individuals connected thereto, are intended to bring these institutions and individuals into disrepute, ridicule and disrespect. We may wish to note that Patrick Smith, a British national and a part-time technical adviser to the Panel, is a signatory to this report, but Gilbert Barthe, a Swiss national with the same designation, is not. Gilbert Barthe, according to the records, has been with the Panel since at least February 2002. He contributed to and signed the May 2002 interim report. Patrick Smith was not mentioned in that report. Why did Barthe not sign the final report? What exactly was Patrick Smith's role in the compilation of the final report?

It is intriguing that none of the Panel members decided, for whatever reasons, to visit Zimbabwe in the course of compiling this report. What they did, however, was to send Patrick Smith, a British national, to Zimbabwe at a time of heightened suspicions and a much publicized conflict between Zimbabwe and Britain. This can only reflect lack of sensitivity on the Panel's part or insincerity in seeking our cooperation in providing the information sought. Is it by coincidence or by design that Mr. Smith met only with the British High Commission staff, out of all the many foreign State representatives in Harare? What expertise or privileged information, if any, did the British High Commission have in connection with this matter that other foreign State representatives in Harare did not have?

The Panel concludes that certain companies and individuals should be subject to some form of sanctioning as they are engaged in activities deserving of such sanctions. The Panel, however, proposes to treat these companies or individuals unequally on the basis of whether they are located in an Organisation for Economic Cooperation and Development (OECD) or non-OECD member country. Thus, the former group, the home countries, who happen to be European, are deemed competent to censure the erring companies, while the latter group is to be the subject of United Nations Security Council action. Why does the Panel provide for such unequal treatment for similar breaches? This stance smacks of a paternalistic, condescending and discriminatory attitude which has no place in the United Nations, where its Charter principle of the equality of States must not only be professed but must also be promoted and protected.

No information is given on how OECD remedies or measures compare to those of the United Nations Security Council. What assurances do we have that the concerned OECD countries will be able to ensure compliance with the guidelines this time around when it is evident that they have failed to do so in the past?

The final report grudgingly reveals the identity of those that are really behind the exploitation and illegal exploitation of the resources of the Democratic Republic of the Congo. These are the financiers and end-users of the exploitative activities, and they are based in Western countries. Attention, however, is not focused where it should rightly be; rather, it is diverted to insignificant players. Indeed, one may ask who ultimately really benefits from the exploitation of these resources? Who are the arms manufacturers and merchants?

Paragraph 43 of the report is illustrative of the exploitative and unfair business practices perpetrated by some western companies and multinationals in Africa since the colonial era. Those practices persist to this day. It illustrates who the real beneficiaries have been and are in the exploitation of African countries' resources. If the Panel is serious and sincere in wishing to promote "Ethical and transparent business practices", as stated in paragraph 156, so that the people of the Democratic Republic of the Congo genuinely benefit from the exploitation of their country's resources, then it would have paid greater attention to this nefarious practice, rather than dangling a red herring before the Security Council.

In paragraph 154, the Panel states that it "is hoping that this report will contribute to a shift in policies ... that will bring the exploitation of resources back to a legally acceptable level". One may ask, when last was exploitation at that level? Who defines that level? Who decides that that level is now legally acceptable?

On 14 December 2001, our Minister of Foreign Affairs, I. S. G. Mudenge, made a very important statement to the United Nations Security Council in a meeting which was also attended by the Panel members. It is disappointing to note that, though the clarifications he gave have not been reflected in the final report, we participated in that meeting with the expectation that we would be engaged in a meaningful dialogue with the Security Council and the Panel. It appears as if we were talking to ourselves, because we

see in the final report the repetition of innuendoes and allegations that we commented on last time without the submission of new evidence to justify their continued inclusion in this report.

The President (*spoke in Chinese*): I thank the representative of Zimbabwe for his kind words addressed to me.

The next speaker on my list is the representative of Canada, whom I invite to take a seat at the Council table and to make his statement.

Mr. Heinbecker (Canada)(*spoke in French*): In recent years, Canada has placed a high priority on supporting the efforts of African countries to address the problems that confront Africa, including those relating to peace and security. This year, Canada, as Chair of the G-8, promoted dialogue between the G-8 and African partners who lead the implementation of the New Partnership for Africa's Development (NEPAD). Last June in Kananaskis, Canada, the G-8 leaders adopted an Africa Action Plan specifically designed to respond to the visionary programme of action contained in the NEPAD.

During Canada's recent term on the Security Council, from 1999 to the year 2000, we pioneered the effort to make sanctions more effective in helping to end armed conflicts, notably in Africa. In this context, we also actively supported establishing the original mandate of this Panel of Experts on the Illegal Exploitation of Natural Resources of the Democratic Republic of Congo, the report of which found that this activity was contributing significantly to the continuation of armed conflict in that country. Today we welcome the Panel's final report.

(*spoke in English*)

The Panel of Experts paints an unhappy picture of the destructive effects of unrestrained and illegal traffic in the natural resources of the Democratic Republic of the Congo, on its people and on its economy. The Panel is clearly of the view that there are many actors involved in this pillage, not least officials in the Government and military of the Democratic Republic of the Congo itself, but also foreign Governments and their armed forces, and private individuals and companies from many countries.

We have been encouraged by the progress made in the withdrawal of foreign military forces from the Democratic Republic of the Congo, in accordance with the Pretoria and Luanda agreements. This is a necessary first step in bringing an end to one of Africa's longest-running and most debilitating conflicts, which has devastated the lives of millions of people in that country and around it. No doubt the Panel's work contributed to this welcome development.

The Panel has made some very important and far-ranging recommendations designed to assist the peace process in the Democratic Republic of the Congo. Those recommendations deserve this Council's serious consideration. In one instance, however, we are disappointed that the Panel has done itself and the process, in our view, a disservice by naming in Annex III as violators of Organisation for Economic Co-operation and Development (OECD) Guidelines companies whose alleged violations, with a few exceptions, are neither specified nor substantiated in the body of the report. In Canada, this unsupported assertion has created controversy for the companies concerned and attracted attention away from the other valuable information and conclusions in the report.

One recommendation is of particular significance — the establishment of a monitoring process to follow up on the report and on its annexes. This body could provide a continuing point of contact, which could engage Governments and other actors, including private companies, in the implementation of its mandate. This recommendation also serves to remind us of the ongoing need for the establishment of a permanent body within the Secretariat to support the work of the teams of experts, act as a contact point for delegations and private companies and be the institutional memory of this Organization.

We urge the Council to take early action on the establishment of the follow-on monitoring mechanism and on other relevant recommendations of the Panel. Doing so will facilitate efforts to bring peace to the Democratic Republic of the Congo so that we all can move forward with full and unbiased information on the economic factors involved.

The President (*spoke in Chinese*): I shall now give the floor to Council members. I know that some of my colleagues have very important appointments today. If it is agreeable to members, it is my intention to suspend this meeting at 1 p.m. and to resume it at 3 p.m.

Mr. Levitte (France) (*spoke in French*): As this is our first formal meeting in November, I should like to express to you, Sir, France's wishes for every success

as you preside over the Council during this extremely important month for the future of the United Nations. I should like to add to those customary compliments a very particular tribute to the Permanent Representative of Cameroon, who presided over our work last month with effectiveness and distinction. In addition, it is a pleasure to see the Foreign Minister of Uganda, Mr. Wapakhabulo, here at this table once again.

The French delegation has listened attentively to the previous speakers. France initiated the creation of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo and on its link with the continuing conflict in that country. The objective was to put an end to such illegal exploitation, not only because the plundering is morally unacceptable, but also because today it constitutes one of the factors driving conflict in the Great Lakes region.

Two years after its creation, the Panel of Experts has kept its promises. It has carried out considerable work, having presented three substantive reports: that of Mrs. Ba-N'Daw, presented in April 2001 (S/2001/357); the addendum to that report, prepared by Ambassador Kassem last November (S/2001/1072); and the report that Mr. Kassem submitted last month (S/2002/1146). Those three studies form one whole. They enable us to approach the peace process from the perspective of economic interests. That aspect is not taken into account in the peace agreements signed by the parties, but it is obviously essential to bear it in mind if we are to put an end to the conflict. The plundering of the Congo has become one of the conflict's principal engines. And it is all the more important to take that into account because, as Ambassador Kassem explained, the plundering is being adapted to developments in the peace process. If we are not careful, it could ruin all the efforts of the various parties finally to restore peace to the Great Lakes region.

The picture that the Group of Experts has painted is worrisome. It implicates all the participants: the foreign, uninvited forces, in particular Rwanda and Uganda; certain invited forces, such as Zimbabwe; the Congolese rebels — the grave accusations against the Mouvement de liberation congolais (MLC) and the Rassemblement congolais pour la démocratie (RCD) in the earlier reports remain valid, if I am to believe what Ambassador Kassem explained to us — and finally, members of the Government of the Democratic Republic of the Congo.

The international community's message to those parties is extremely clear. The natural resources of the Democratic Republic of the Congo cannot and must not be used except to benefit the Congolese; no one has a right to illegally exploit them. In that regard, a distinction must be made among the various actors concerned. What is meant by "illegal exploitation"? Obviously, any exploitation is illegal that benefits entities other than the legal Government of the Democratic Republic of the Congo that are not acting within the framework of Congolese legal provisions. The pillaging carried out by members of foreign forces stationed in the Democratic Republic of the Congo or on their behalf by Congolese agents therefore falls into that category. Along with occupation of the territory of the Democratic Republic of the Congo — which the Council has consistently denounced — it constitutes a violation of Congolese sovereignty and thus of international law. It must cease immediately.

However, measures that the Congolese Government might take with regard to exploiting the country's resources are not inherently illegal. I recall that, for at least four years, the Congolese Government had to deal with conflict situations on its own territory. Illegal actions may have been taken that were motivated, for example, by a desire for personal enrichment. But those constitute a violation of domestic law and should therefore be punished and redressed by the Congolese authorities in respect for the domestic law of the Democratic Republic of the Congo. That distinction, I believe, is necessary and must be taken into account in any study of the linkage between the exploitation of the resources of the Democratic Republic of the Congo and the continuance of the conflict. The entire world recognizes the Democratic Republic of the Congo and its Government. No one intends to equate the legal, recognized Government with other actors in the conflict.

But that distinction should not prevent the Congolese Government from punishing misconduct that might occur when such practices are verified. In that regard, I believe that I reflect the opinions of all my colleagues on the Security Council in emphasizing that strengthening the rule of law and extending it throughout the territory of a reunified Congo are decisive steps in the fight against the plundering of the country's resources. That is one of the reasons why the Council supports the ongoing negotiations among Congolese parties. We hope that they will lead as

quickly as possible to an all-inclusive agreement on the transition.

We are not here today to judge anyone, but we want results. We want an end to the plundering of the Democratic Republic of the Congo and to the conflict that has torn the region apart. To begin with, there must be a dialogue among those who have been implicated by the Ba-N'Daw and Kassem reports and by the Panel's experts. Each of the parties has the right to respond and to have his or her views heard. It would be desirable for the Secretariat to publish, within a month, a technical addendum to Mr. Kassem's most recent report, taking up the elements that all the parties mentioned in the report wish to emphasize. For the most part, those parties have spoken this morning.

In this connection, there are reasons to welcome the positive approach of the Ugandan authorities, who have created the independent Porter Commission — to which the Minister referred at length this morning — to investigate incidents in which Ugandan officials are implicated. We await with interest the report which the Commission is to issue in a few days.

We also welcome the response of the Prosecutor of the Democratic Republic of the Congo, who last week initiated proceedings involving all the members of the Government named in the Kassem report. We invite the other parties concerned to adopt a similar approach. It is through dialogue and by examining evidence — with respect, of course, for the safety of the Panel's sources — that the truth will emerge. Each State implicated in the report is responsible for putting an end to the activities of its citizens or undertaken on its territory that are linked to the illegal exploitation of the resources of the Democratic Republic of the Congo.

The Council has before it a long list of recommendations, all of which are relevant and some of which are quite novel. The Council will meet next week to decide on follow-up action, particularly in the light of the statements we have heard today.

I believe, however, that two comments can be made right away. First, the Council must continue to hear periodic reports on this issue. The Council might create a monitoring body, as Mr. Kassem has recommended, or simply renew the Panel's mandate, but we must maintain our independent capacity of observation. I would add that the Experts' next report will provide us with a new assessment of the activities of those who were named in the previous report, in the light of indications they will have provided and of any developments noted by the Experts in the field.

Secondly, a reading of the Ba-N'Daw and Kassem reports should encourage us to reread reports written by other experts concerning other crises. It is disturbing to note a certain number of similarities. We note, for instance, that the same names of arms dealers and commodities traders recur again and again in all these reports. Three individuals identified by Mr. Kassem are also active elsewhere. Mr. Leonid Minim and Mr. Sanjivan Ruprah are also mentioned by the Liberia and Sierra Leone Panels. The name of Mr. Victor Bout also appears not only in the reports of the Liberia and Sierra Leone Panels, but also in the report of the Angola Panel and even in report of the follow-up group on Afghanistan, which mentions transactions between Mr. Bout, the Taliban and Al Qaeda. I emphasize that very important point. Mr. Minim, Mr. Ruprah and Mr. Bout are already the targets of Security Council sanctions. Their names appear on the list of persons subject to travel bans under resolution 1343 (2001) on Liberia. The very least that can be said, however, is that the restrictions do not seem to have hampered their activities in the Congo to any significant degree.

This being the case, we believe that the time has come once again to consider an approach that would enable us to compare these different types of information and the Council to adopt a coherent and effective line of action. We must put an end to the destabilizing activities of these international dealers throughout Africa and beyond. We must fully shoulder our responsibilities in this respect.

The Ba-N'Daw and Kassem reports are timely reminders that the undoubtedly positive developments in the peace process in the Democratic Republic of the Congo should not lead us to forget realities in the field. In addition to the progress made in the withdrawal of foreign forces, which we welcome, there are local conflicts, such as in Ituri, that are more or less manipulated and provoke genuine humanitarian catastrophes. Such conflicts have many causes, but they are all fuelled, as the Ba-N'Daw and Kassem reports show, by the ambition to control local natural resources. This issue is therefore more timely than ever and the success of the peace process depends on it. This is not the time to give up.

The President (*spoke in Chinese*): I thank the representative of France for his kind words addressed to China.

Mr. Strømmen (Norway): I congratulate you, Sir, on assuming the presidency of the Council. We wish you every success for the month of November.

Our thanks go to Ambassador Belinga-Eboutou of Cameroon for the way he steered us through the month of October.

Let me also wish a warm welcome to New York and the Security Council to the Foreign Minister of Uganda.

Norway welcomes the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. I thank Ambassador Kassem and the other members of the Panel for their most commendable efforts in this regard.

Despite the positive developments in the Great Lakes region over the past months, such as the Pretoria and Luanda peace accords and the rapid withdrawal of troops from the territory of the Democratic Republic of the Congo, the systematic exploitation of the natural resources of that country seems to continue unabated. According to the report, a large number of actors, Governments, individuals, armed groups and companies are in some way involved in the exploitation of natural resources. To the extent that an important motive for the continuation of the conflict is the exploitation of resources, as indicated by the Panel, there might be reason to question whether all parties to the conflict are negotiating in good faith. Norway urges all the parties to the conflict to prove that this is not the case by demonstrating that further results can be reached in the peace process without delay.

It is imperative that the recent progress made on the political level be translated into improved conditions on the ground, with increased security for the local populations, in particular in the eastern parts of the Democratic Republic of the Congo, including the Ituri region. Beyond the immediate short term, permanent Government structures must be established on the basis of an all-inclusive political dispensation in the Democratic Republic of the Congo, allowing for the natural resources to be utilized to the benefit of the local population in an equitable manner.

We share the view that the political resolution to the conflict in the Democratic Republic of the Congo, including progress in the inter-Congolese dialogue and the establishment of effective governing structures, is the main key to preventing the exploitation of natural resources. We agree with the Panel that

> "The main purpose should be to enable the legitimate transitional government to control the country's natural resources and borders without foreign intervention". (*S/2002/1146, para. 163*)

In this regard, we are encouraged by the latest news on the progress in the power-sharing talks between the parties to the inter-Congolese dialogue.

Norway would like to underline its support for the methodological approach that the Panel of Experts takes. We encourage the continuation of the use of panels of experts to assist the Security Council in its work. As is highlighted by the current discussion on the exploitation of natural resources in the Democratic Republic of the Congo, the Panel not only presents its findings and recommendations, but triggers useful discussions involving all relevant actors. It is our belief that this is a contribution towards finding good and sustainable solutions to the problems we are facing in the region.

The Secretary-General recently submitted the twelfth report on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) (S/2002/1180). In September, a special report on MONUC was submitted that included recommendations for strengthening MONUC's capacity, especially in the eastern part of the Democratic Republic of the Congo. Norway would have liked to see more cross-references between the current report of the Panel of Experts and the reports on MONUC. An analysis of the link between economic interests and security aspects would be useful.

The report recommends the creation of forceful incentives and disincentives in order to minimize illegal exploitation. Legal utilization benefiting the population at large should be encouraged. However, we agree that it is necessary to find measures to deal with the parties involved in illegal exploitation and their fears of losing revenue. Norway has noted with keen interest the various recommendations provided by the Panel of Experts. Those recommendations are put forward with the view to bringing to an end the illegal exploitation of natural resources and to breaking the link between the exploitation and the continuation of the conflict. The fact that the exploitation continues despite recent troop withdrawals is alarming, and the

Security Council must explore all possible avenues to bring the exploitation to an end. Norway will contribute to that objective in the Council's further deliberations by supporting concrete measures. As an absolute minimum, various institutional reforms call for Governments to ensure that companies and individuals under their jurisdiction observe agreed standards of the Organization for Economic Cooperation and Development, and a further monitoring process related to the exploitation activities must be agreed upon and put in place.

As we are all aware, some of the actors accused in the report — most notably, Rwanda, Uganda and Zimbabwe — have presented their comments and replies to the report. Most of the Panel's findings have been challenged, and we will probably see further discussion between the Panel and those parties. We have noted with interest that steps have been taken by the Government of the Democratic Republic of the Congo against one of the companies mentioned in the report.

Finally, Norway urges the parties to the conflict and to the peace process in the Democratic Republic of the Congo to maintain the momentum created over the past weeks and months. We believe that full commitment to the Peace Agreements and the inter-Congolese dialogue is vital in the search for a lasting solution to the conflict in the region and for ways to stop the illegal exploitation that is so obviously taking place.

Mr. Konuzin (Russian Federation) (*spoke in Russian*): My delegation is pleased to see the People's Republic of China discharging the presidential duties of the Security Council. We are grateful to the delegation of Cameroon, and to the Ambassador of Cameroon for the excellent manner in which he carried out his duties as President in the previous month. My delegation also welcomes the Minister for Foreign Affairs of Uganda to this Chamber.

The Russian Federation expresses its gratitude to the Panel of Experts, headed by Ambassador Mahmoud Kassem, for the final report on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo. Today's discussion has shown that the report of the Panel of Exports has achieved important objectives. The response by States in the region and other interested countries has been lively and interested. Not all agree with the conclusions and recommendations of the report, including the Russian Federation. However, we must acknowledge that the problem exists and we must take adequate steps to resolve it. That has been borne out by statements made by the representatives of Uganda, South Africa, Denmark, France, Norway and other representatives. In that connection, we are not inclined to consider the report as an excuse to precipitously adopt measures or decisions, but rather to consider it as food for thought that requires further study.

The issue we are discussing today is directly linked to the protracted bloodshed that has been taking place in the Democratic Republic of the Congo for many years. Recently there have been encouraging indications of resolution of that conflict. However, we are concerned about the report's information on the scope of the plundering of natural resources in violation of the sovereignty and territorial integrity of the Democratic Republic of the Congo.

We wish to draw particular attention to the conclusion of the Panel of Experts that armed groups in the country increasingly rely on control of budgetary resources, licensing fees, taxes on export products, custom duties on imports and State and local taxation generally. The result of such activities is the further plundering of the State, an increase in the number of refugees and internally displaced persons, human rights abuses and, ultimately, an extensive humanitarian crisis.

We are concerned about the criminalization of trade in Congolese resources, the lack of effective State control, the high level of violence and the militarization of certain regions of the Democratic Republic of the Congo. Uncontrolled access to especially valuable resources has been attracting increased interest on the part of criminal organizations. The consolidation of the illegal activities of criminal groups in pillaging the wealth of the Democratic Republic of the Congo are also threats to the economic and political stability of several neighbouring States.

At the same time, we have some questions about the recommendation of the Panel of Experts to introduce restrictions against the activities of individuals and organizations accused of the illegal export of natural resources from the Democratic Republic of the Congo. The delegation of Belgium even spoke of introducing sanctions against such individuals.

My delegation believes that combating economic crime falls, first and foremost, within the purview of States, not the Security Council. Moreover, only a court can determine which individuals or organizations

are truly guilty of illegal operations and should be prosecuted. The establishment of black lists by the Council would not guarantee an end to the illegal operations involving Congolese resources. However, it could give rise to serious legal problems, since, in the case of the plundering of the natural resources of the Democratic Republic of the Congo, it would be extremely difficult to prove that the activities of any type of commercial enterprise or individual pose a threat to international peace and security and, pursuant to Chapter VII of the Charter, the imposition of sanctions requires such a determination.

The Agreements achieved at Pretoria and Luanda, with the assistance of South Africa and Angola, establish the necessary preconditions for resolving the problem of the illegal exploitation of Congolese wealth. The ongoing and already completed withdrawal of foreign troops from the country is pulling the ground out from under the armed bands and criminal groups that for several years have been plundering their own State. The success of the inter-Congolese dialogue, the achievement of a comprehensive agreement on the establishment of a Transitional Government and the extension of its authority to the entire territory of the Democratic Republic of the Congo could be the turning point whereby the plundering of the natural resources of the Democratic Republic of the Congo would cease.

During this critical period, a more active role is being played by the international community, represented by the United Nations, its specialized agencies, international financial institutions, regional organizations and States that are interested in lending the Democratic Republic of the Congo support of all kinds, including at the financial and expert levels. The goals are: the implementation of programmes for the disarmament, demobilization and reintegration of former combatants; the restoration of the war-ravaged economy; the establishment of controls with respect to the use of natural resources; the strengthening of State bodies; the implementation of appropriate administrative procedures; an overview of economic activities related to the exploitation of natural resources; and a review of the legislation and the relevant agreements establishing control over the use of national resources.

Russia firmly believes that advocating a political settlement in the Democratic Republic of the Congo should remain a priority for the Security Council. We see this first and foremost as compliance by the Council with its Charter obligation to maintain international peace and security.

Let me briefly react to some of the comments that were made in this Chamber. In particular, I will touch on the remarks made by the delegation of Uganda, which said that the United Nations Mission in the Democratic Republic of the Congo should send military contingents to the area. That proposal has some validity, but the capacities of the Mission are extremely limited, because of the lack of security in the region as well as the limited number of military contingents there.

Nevertheless, the appeal by the Ugandan delegation reaffirms the timeliness of finalizing work on a Security Council resolution on the expansion of the United Nations Organization Mission in the Democratic Republic of the Congo.

Furthermore, views were expressed here to the effect that the monitoring regime in the Democratic Republic of the Congo should be expanded, either by extending the mandate of the Panel of Experts or through the establishment of a new monitoring mechanism. We believe that this is a new issue that requires additional consideration by the Security Council. We cannot dissociate it from the situation that prevails in the region, that is, the situation with respect to the implementation of the Lusaka, Pretoria and Luanda agreements and to the withdrawal of foreign troops.

The current report has given rise to many questions and protestations on the part of a number of countries in the region. Here we would like to ask if the maintenance of the monitoring machinery at this time might not have an impact on the peace process. We need to discuss this, just as we need to discuss the proposal made here with regard to a more active involvement on the part of regional institutions and international financial institutions in the process of resolving the problems related to the illegal exploitation of the natural resources in the Democratic Republic of the Congo and of putting an end to such exploitation.

The President (*spoke in Chinese*): I thank the representative of the Russian Federation for the kind words he addressed to me.

The meeting was suspended at 1.10 p.m.